

AMENDMENT UNDER 37 CFR §1.116Docket No. Q78089
Application No. 10/699,687

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-15 are all the claims pending in the application. Applicant respectfully submits that all of the pending claims define patentable subject matter.

Claims 11 and 12 stand rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Examiner argues that the new feature “storing said set of air interfaces by the radio network controller” and “storing, by the node, medium access control components corresponding to respective air interfaces at the node” are not disclosed or clearly discussed in the disclosure. Applicant respectfully disagrees.

Support for dependent claim 11 can be found, for example, on page 4, lines 22-27 of the specification, and shown in Fig. 1.¹ Support for dependent claim 12 can be found, for example, on page 5, lines 9-13 of the specification, and shown in Fig. 1.²

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 11 and 12 under 35 U.S.C. § 112, first paragraph.

Claims 1-4, 7-10, 11-13 and 15 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Wood (U.S. Pat. No. 5,412,375) and further in view of Hsu et al. (U.S. Patent No. 6,169,898; hereinafter “Hsu”). Applicant respectfully traverses this rejection.

Independent claim 1 recites, in part:

¹ See e.g., Fig. 1, element 114.

² See e.g., Fig. 1, element 128.

selecting a sub-set of air interfaces from a set of air interfaces, the sub-set containing air interfaces, which support the required quality of service parameter set,

providing the sub-set to a node of a radio access network having the set of air interfaces,

selecting an air interface from the sub-set by the node for providing the required quality of service to a user equipment.

Thus, independent claim 1 requires, *inter alia*, selecting a sub-set of air interfaces from a set of air interfaces, where the sub-set contains air interfaces. Moreover, an air interface is selected from the sub-set of air interfaces, which is in turn selected from the set of air interfaces. In other words, the set comprises interfaces, the sub-set also comprises air interfaces, and from the sub-set of air interfaces, an air interface is selected. Independent claim 1 requires two selecting operations: the sub-set is selected from the set, and the air interface is selected from the sub-set.

Wood, by contrast, is directed to:

selecting an air interface with [sic] takes into account the capabilities of the subscriber and the particular system side transceiver with which it desires to communicate[,]³

and further discloses:

A compatible air interface, or list of compatible air interfaces is generated by the controller and provided to the base. The base will then direct the subscriber to access the communication system utilizing a compatible air interface.⁴

³ See Wood, col. 1, lines 46-49.

⁴ See Wood, col. 1, lines 56-61.

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Thus, a single interface or a list of interfaces is selected and provided to the base. In either case, Only one selection occurs in Wood.

Nevertheless, the Examiner asserts:

Wood teaches selecting an air interface from a list of air interfaces; since there is no quantity requirement for a sub-set set forth in the claim language, therefore, it is to interpret sub-set of interfaces in this case is one interface.

Applicant respectfully disagrees with the Examiner's position.

Applicant agrees that Wood discloses selecting an air interface from a list of air interfaces. However, even assuming, *arguendo*, that the claimed "sub-set" of interfaces in this case corresponds to one interface as the Examiner contends, Wood only discloses making one selecting operation. As pointed out above, Wood only discloses making one selection, i.e., selecting an air interface from a list of air interfaces. Thus, Wood fails to disclose or suggest more than one selecting operation, as the claimed invention, by contrast, requires. In other words, Wood fails to disclose or suggest selecting a sub-set from a set of air interfaces, and then selecting an air interface from the sub-set, as claimed. Therefore, Applicant respectfully submits that Wood fails to disclose or suggest all of the required features of independent claim 1.

Moreover, since Wood only discloses that the subscriber sends a list of its air interfaces and the base station forwards the subscriber's list of air interfaces attaching its own air interfaces,

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there is no selecting of a sub-set of air interfaces from a set of air interfaces. On the contrary, both the subscriber and the base station in Wood send all of their air interfaces.⁵

Further, as pointed out above, independent claim 1 also requires providing the sub-set to a node of a radio access network having the set of air interfaces, and then selecting an air interface from the sub-set by the node for providing the required quality of service to a user equipment. In other words, the sub-set is provided to a node, and the node then selects an air interface from the sub-set.

On the other hand, Wood discloses that the controller 45 selects an air interface.⁶ In Wood, there is only one entity, *i.e.*, the controller, making a selection of an air interface. Wood fails to disclose or suggest one entity such as a controller selecting a sub-set of air interfaces and another entity such as a node of a RAN selecting one air interface from the sub-set. Furthermore, in Wood, there is no providing of the selected sub-set of air interfaces to a node of RAN. Wood merely discloses the controller providing one selected interface to the base station. Indeed, Wood is completely silent with regard to a node of the RAN.

In summary, Applicant submits that Wood fails to disclose or suggest all of the required features of independent claim 1. Hsu clearly fails to cure the deficiency of Wood. Moreover, the combination of Wood and Hsu also fails to disclose or suggest all of the required features of claim 1.

⁵ See *e.g.*, Wood, col. 2, lines 58-68, a base station may reject a selection made by the controller if it is not available).

⁶ See Wood, col. 2, lines 37-39.

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Accordingly, Applicant submits that independent claim 1 is patentable over the applied references, at least for the reasons noted above. Similarly, Applicant submits that independent claim 10 is also patentable over the applied references for reasons analogous to those stated above regarding independent claim 1. Further, Applicant submits that dependent claims 2-4, 7-9, 11-13 and 15 are also patentable over the applied references, at least by virtue of their respective dependency on independent claims 1 and 10.

Claims 5, 6 and 14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wood in view of Hsu, and further in view of Kallio (U.S. Pat. App. Pub. No. 2002/0147008). Applicant respectfully traverses this rejection.

Applicant submits that Kallio reference fails to supply the above-noted features missing from Wood and Hsu. Furthermore, the combination of the applied references fails to disclose or suggest all of the above-noted features set forth in independent claim 1. Consequently, Applicant submits that dependent claims 5, 6 and 14 are patentable over the applied references, at least by virtue of their respective dependency on independent claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,



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23373
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Date: November 28, 2006